

The Commission may also cancel or suspend, for a 3 to 24-month period, a shot-firer's certificate where the latter's work has been the subject of a remedial order under section 182 of the Act or of an order under section 186 of the Act, owing to the fact that he refused to comply with the Act or this Regulation.”.

4. The following is inserted after section 11.7.3:

“**11.7.4** Where a sanitary landfill site is in operation more than 16 hours a week, a heated shelter provided with drinking water, a telephone or a two-way radio, lighting and a water closet must be installed therein.”.

5. The Regulation respecting the shoring of concrete formwork (R.R.Q., 1981, c. S-2.1, r.10) is revoked.

6. The Regulation respecting the handling and use of explosives (R.R.Q., 1981, c. S-2.1, r.11) is revoked.

7. The Regulation respecting mine rescue stations (R.R.Q., 1981, c. S-2.1, r.13) is revoked.

8. The Regulation respecting the protection of compressed air workers (R.R.Q., 1981, c. S-2.1, r.14) is revoked.

9. The Regulation respecting reviews related to inspections, approved by Order in Council 147-83 dated 26 January 1983, is revoked.

10. The Regulation respecting occupational health and safety in mines, approved by Order in Council 213-93 dated 17 February 1993 and amended by the Regulation approved by Order in Council 1326-95 dated 4 October 1995, is further amended by inserting the following sections after the heading of Subdivision 5 of Division II:

“**17.01** At the request of the Commission de la santé et de la sécurité du travail, rescue stations for underground mines must be organized, equipped and maintained.

17.02 Each rescue station is under the control and supervision of a person appointed under the Public Service Act (R.S.Q., c. F-3.1.1) as amended. That person must ensure the maintenance of the rescue devices in the stations under his control and supervision and must give the training provided for in sections 18 to 20.”.

11. The Regulation respecting work carried out in the vicinity of electric power lines (R.R.Q., 1981, c. S-2.1, r. 21) is revoked.

12. The Regulation respecting the use of explosive actuated tools (R.R.Q., 1981, c. S-2.1, r. 23) is revoked.

13. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 384-97, 26 March 1997

Forest Act
(R.S.Q., c. F-4.1)

Forest Management Funding Program

Forest Management Funding Program

WHEREAS section 124.37 of the Forest Act (R.S.Q., c. F-4.1), introduced by section 14 of Chapter 14 of the Statutes of Québec of 1996, provides that the Government shall establish, by regulation, a forest management funding program to encourage the establishment, maintenance or development of forest production units of 80 hectares or more and the establishment or development of forest service enterprises;

WHEREAS section 172.2 of that Act, introduced by section 19 of Chapter 14 of the Statutes of Québec of 1996, provides that the Government may, by regulation, prescribe any measure necessary for the establishment and implementation of the forest management funding program provided for in section 124.37 of that Act and in particular:

(1) determine the conditions, criteria and scope of the program, which may vary, in particular, according to the nature of the activities concerned, and prescribe exclusions;

(2) establish criteria to be used to determine the persons or classes of persons who may avail themselves of the program, and prescribe exclusions;

(3) designate the persons who may act as lenders under the program;

(4) determine the financial commitments made within the scope of the program that give entitlement to insurance under section 4 of the Act respecting farm-loan insurance and forestry-loan insurance together with the extent and duration of coverage;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Forest Management Funding Program was published in Part 2 of the *Gazette officielle du Québec* of 9 October

1996 with a notice that it could be made by the Government upon the expiry of a 45-day period following that publication;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Natural Resources:

THAT the Forest Management Funding Program, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Forest Management Funding Program

Forest Act
(R.S.Q., c. F-4.1, s. 124.37 and s. 172.2; 1996, c. 14)

DIVISION I PROGRAM OBJECTIVE

1. This Program is designed to enable the Société de financement agricole (“the Corporation”) to financially support forest producers, by means of a loan, for the purpose of encouraging the establishment, maintenance or development of forest production units of 80 hectares or more and the establishment or development of forest service enterprises.

DIVISION II INTERPRETATION

2. For the purposes of this Program,

“forest producer” means a person or an organization certified as a forest producer under section 120 of the Forest Act (R.S.Q., c. F-4.1; 1996, c. 14); (*producteur forestier*)

“lender” means

(1) a savings and credit union governed by the Savings and Credit Unions Act (R.S.Q., c. C-4.1);

(2) any of the following banks: the National Bank of Canada, the Royal Bank of Canada, the Canadian Imperial Bank of Commerce, the Bank of Montréal, the Bank of Nova Scotia, the Toronto Dominion Bank or the Laurentian Bank of Canada;

(3) a person to whom is owed all or part of the sale price of forest assets; or

(4) any other person authorized by the Corporation under subparagraph 2 of the first paragraph of section 16 of the Act respecting the Société de financement agricole (R.S.Q., c. S-11.0101); (*prêteur*) and

“loan” means a loan, including a loan taken over by another borrower and all or part of the sale price owed by a borrower following the acquisition of forest assets, where the loan is granted under this Program, under the Act to promote forest credit by private institutions (R.S.Q., c. C-78.1) or under the Forestry Credit Act (R.S.Q., c. C-78). (*prêt*)

3. For the purposes of this Program, an interest in an entity certified as a forest producer is,

(1) in the case of a forest producer composed of one or more natural persons, the rights held in a forest production unit;

(2) in the case of a forest producer composed of a company, the voting shares;

(3) in the case of a forest producer composed of a general or limited partnership, the shares held by the partners;

(4) in the case of a forest producer composed of a cooperative, the shares; or

(5) in the case of a forest producer composed of a combination of natural persons, companies, or general or limited partnerships or cooperatives, the rights held in a forest production unit, the voting shares, the shares held by the partners, or the shares in each of those categories of persons.

DIVISION III GENERAL

4. Financial assistance granted under this Program shall be in the form of a loan.

Such financial assistance may be granted by the Corporation to a forest producer who meets the conditions of this Program and the particular conditions determined by the Corporation in accordance with the powers conferred upon it by subparagraph 1 of the first paragraph of section 16 of the Act respecting the Société de financement agricole.

A person or an organization which, without being a forest producer, is composed of at least 1 forest producer or 1 person holding interests in an entity certified as a forest producer shall be considered to be a forest producer for the purposes of this Program.

5. In order to be admissible, an application for financial assistance shall be submitted to the Corporation in writing and shall be accompanied by the information and documents required by the Corporation under section 22 of the Act respecting the Société de financement agricole.

6. In order to be eligible for a loan, a forest producer shall demonstrate,

(1) where he is a natural person, that he is of full age, is domiciled in Québec and is a Canadian citizen or permanent resident within the meaning of the Immigration Act (R.S.C., 1985, c. I-2);

(2) where it is a legal person, that its head office and principal place of business are in Québec; and

(3) where it is composed of more than 1 person, that it consists only of persons who meet the conditions of subparagraphs 1 and 2.

A forest producer shall also meet the following conditions:

(1) have a forest management plan that meets the conditions listed in subparagraph 1 of the first paragraph of section 120 of the Act for the forest area in respect of which the loan is applied for;

(2) need the financial assistance requested for the establishment, maintenance or development of a forest production unit of 80 hectares or more or for the establishment or development of a forest service enterprise, taking into account its overall financial position;

(3) be able to meet its financial obligations;

(4) have the necessary resources to carry out its plan;

(5) demonstrate that the project's profit outlook ensures its financial viability, in the case of a forest service enterprise; and

(6) be able to provide the guarantees required by the Corporation under subparagraph 1 of the first paragraph of section 16 of the Act respecting the Société de financement agricole.

7. For the duration of the loan, the forest producer shall meet the conditions that rendered him or it eligible therefor.

8. In accordance with section 4 of the Act respecting farm-loan insurance and forestry-loan insurance (R.S.Q., c. A-29.1), a lender who grants a loan under this Pro-

gram shall be entitled to insurance from the Fonds d'assurance-prêts agricoles et forestiers for the duration of the loan.

DIVISION IV **GRANTING OF A LOAN**

9. The Corporation may, within the scope of the objective described in section 1, grant a loan to a forest producer.

10. A loan may be granted under this Program only for the following purposes:

(1) the establishment, maintenance or development of a forest production unit of 80 hectares or more under forest management; or

(2) the establishment or development of a forest enterprise owning machinery or equipment used for a forest management activity and providing its services to owners of private woodlots.

11. The following are excluded from the financial assistance provided for in this Program:

(1) activities for which financial assistance may be provided under the Program for farm financing established under the Act respecting the Société de financement agricole and made by Order in Council 699-95 dated 24 May 1995;

(2) activities related to forest seedling production and to the acquisition of assets for the processing of timber into firewood for commercial purposes;

(3) the purchase of mobile sawmills; and

(4) the holders of wood processing plant operating permits whose authorized annual consumption is more than 2 000 cubic metres of rough timber for peeling, sawing or pulp and paper production.

12. The maximum amount of a loan that may be granted to a forest producer is \$500 000.

The balance on loans granted to the borrower under this Program, the Act to promote forest credit by private institutions or the Forestry Credit Act shall be taken into account in calculating that maximum amount. Notwithstanding the foregoing, debts that have devolved on the borrower by succession after the last loan was granted are not taken into account in that calculation.

13. A loan shall have a maximum term of 30 years and shall be repayable under the terms and conditions determined by the Corporation.

14. The interest rate on a loan may not exceed the lender's hypothecary interest rate in force on the date of the loan contract. The rate may be adjusted on the expiry of each period of 12, 36 or 60 months according to the agreement entered into by the lender and the borrower.

For the purposes of this section, "hypothecary interest rate" means,

(1) in the case of a lender who has such a rate, the interest rate on a closed-term loan secured by a first hypothec on a single-family dwelling; or

(2) in the case of a lender who does not have such a rate, the interest rate on a closed-term loan secured by a first hypothec on a single-family dwelling of any of the following financial institutions: Fiducie Desjardins Inc., the National Bank of Canada, the Royal Bank of Canada, the Canadian Imperial Bank of Commerce or the Bank of Montreal.

15. Where the lender is a person to whom is owed all or part of the sale price of forest assets, the interest rate may be set for a period not exceeding 5 years where the parties so agree. That interest rate may not exceed, for the chosen term, the current hypothecary interest rate of any of the financial institutions listed in subparagraph 2 of the second paragraph of section 14.

16. Interest on a loan shall be capitalized monthly and not in advance, regardless of the payment schedule agreed to by the parties.

DIVISION V MISCELLANEOUS AND FINAL

17. No amount of money may be charged to a forest producer by a lender referred to in paragraphs 1 to 4 of the definition of "lender" in section 2 for services rendered by the Corporation or for services offered by the lender free of charge in the normal course of its activities.

18. This Program comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 385-97, 26 March 1997

An Act respecting farm-loan insurance
and forestry-loan insurance
(R.S.Q., c. A-29.1)

Regulation — Amendments

Regulation to amend the Regulation respecting the application of the Act respecting farm-loan insurance and forestry-loan insurance

WHEREAS section 24 of the Act respecting farm-loan insurance and forestry-loan insurance (R.S.Q., c. A-29.1) empowers the Government to prescribe any measure necessary or advisable for the carrying out and proper operation of that Act;

WHEREAS it is expedient to amend the Regulation respecting the application of the Act respecting farm-loan insurance and forestry-loan insurance (R.R.Q., 1981, c. A-29.1, r. 1);

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the application of the Act respecting farm-loan insurance and forestry-loan insurance was published in Part 2 of the *Gazette officielle du Québec* of 9 October 1996, with a notice that it could be made by the Government at the expiry of 45 days following that publication;

WHEREAS no comments pertaining to that Draft Regulation were received before the expiry of that period;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Agriculture, Fisheries and Food:

THAT the Regulation to amend the Regulation respecting the application of the Act respecting farm-loan insurance and forestry-loan insurance, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif